



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 18 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Paula McLemore, Vice President of Environmental, Health, Safety & Quality
Veolia North America
4760 World Houston Pkwy
Suite 100
Houston, TX 77032

Re: Requirement to Provide Information Pursuant to Section 114 of the Clean Air Act

Dear Ms. McLemore:

The enclosed information request is being issued to you pursuant to Section 114 of the Clean Air Act ("CAA"), 42 U.S.C. § 7414. The Environmental Protection Agency ("EPA") is seeking information concerning compliance with applicable state and federal requirements under the CAA at the Veolia North America facilities located in the United States. The CAA requirements include the National Emission Standards for Hazardous Air Pollutant Emissions from Off-Site Waste And Recovery Operations found at 40 C.F.R. Part 63, subpart DD ("Subpart DD") and the National Emission Standards for Hazardous Air Pollutants from Organic Liquids Distribution (Non-Gasoline), found at 40 C.F.R. Part 63, subpart EEEE ("Subpart EEEE").

Under Section 114 of the CAA, EPA is authorized to require the submission of records, reports, and other information for the purpose of determining whether any violations of the CAA have occurred. In accordance with this authority, you are hereby served the enclosed Information Request, and required to provide the requested responses and documents within 30 days of receipt of this Request. See Enclosures 1 and 2 for the instructions, definitions, and Information Requests. In addition, sign and return the Statement of Certification, see Enclosure 3, with the response to this Information Request.

You must submit your full response to:

Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement
1200 Pennsylvania Ave, NW
MC 2242A
Washington, DC 20460 (mail) or 20004 (courier)
Attn: Daniel Hoyt, Stationary Source Enforcement Branch

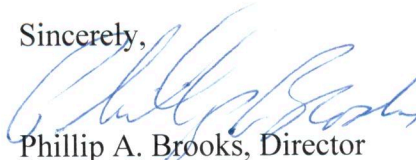
Failure to provide the required information in a timely manner may lead to a civil action to obtain compliance or to recover a civil penalty in accordance with Section 113 of the CAA, 42 U.S.C. § 7413. EPA also has authority to seek criminal penalties from any person who knowingly makes any false statement, representation, or certification. Even if you fully comply with this letter, you may still be subject to administrative, civil, or criminal action as provided by the CAA.

You are entitled to assert a claim of business confidentiality, covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b). Any such confidential business information (“CBI”) claim must be made in accordance with the procedures described at 40 C.F.R. § 2.203(b) and Enclosure 4. Note that emissions data, which includes information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of emission data, is not entitled to confidential treatment. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

EPA further wishes to share this information with an EPA contractor. Pursuant to 40 C.F.R. §2.301(h), EPA possesses the authority to disclose to any authorized representative of the United States information which might otherwise be entitled to confidential treatment. This letter serves as notice to Veolia North America, pursuant to 40 C.F.R. § 2.301(h)(2)(iii), of this contemplated disclosure. The contractor is Eastern Research Group (ERG), the contract number is EP-W-09-033 and the information will be disclosed to the contractor for assistance in technical review, analysis, and evaluation. Veolia North America may submit any comments to EPA as part of its response to this Information Request as to the contemplated disclosure.

Any technical questions regarding this Information Request should be directed to Daniel Hoyt, Environmental Engineer, at (202) 564-7898. For legal matters, contact Kathryn Pirrotta Caballero, Attorney-Advisor, at (202) 564-1849.

Sincerely,



Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

Enclosures

ENCLOSURE 1

A. INSTRUCTIONS:

- 1) Please provide a separate narrative response to each Information Request and subpart of an Information Request set forth in Enclosure 2 of this Information Request and precede each answer with the number of the Information Request to which it corresponds.
- 2) For each Information Request, identify each person responding on your behalf, as well as each person consulted in the preparation of a response.
- 3) For each Information Request, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the Information Request, and provide a true and correct copy of each such document if not provided in response to another specific Information Request. Indicate on each document produced in response to this Information Request the number of the Information Request to which it corresponds.
- 4) If requested information or Documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
- 5) Requested information can be submitted in electronic form, if applicable.
- 6) Sign, date, and return Enclosure 3 (Statement of Certification) with the response to the Information Requests in Enclosure 2.

For purposes of this Information Request, the definitions set forth in Section B shall apply and should be considered carefully by you in preparing your responses.

B. DEFINITIONS:

- 1) "Document(s)" means written data, information, and documentation of any kind, including documentation solely in electronic form, e.g., email, and email attachments. It includes any document in the possession or control of any person or entity hired by Veolia North America. A true and correct copy of a document rather than the original may be provided.
- 2) "Facility" means any location in the United States that is owned or operated by Veolia North America, Veolia ES Technical Solutions, LLC, Veolia Water North America Operating Services, LLC, Veolia Energy North America, LLC and/or Veolia Environnement, where treatment, storage, disposal, recycling, and/or re-processing of off-site materials is conducted, including, but not limited to, solvent recovery and/or wastewater treatment

operations.

- 3) "Hazardous Air Pollutants" or "HAP" means any air pollutant listed in or pursuant to section 112(b) of the CAA.
- 4) "Person" or "persons" shall have the meaning set forth in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and include an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
- 5) The term "potential to emit" or "PTE" means the maximum capacity of a Facility to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the Facility to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.
- 6) The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.
- 7) "Used Oil" means any oil refined from crude oil or any synthetic oil that has been used and as a result of such use is contaminated by physical or chemical impurities.
- 8) "Used Solvent" means a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons that has been used as a solvent and as a result of such use is contaminated by physical or chemical impurities.
- 9) "Volatile Organic Compounds" or "VOC" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, except those compounds specifically excluded by the definition found at 40 C.F.R. §51.100(s).
- 10) "Waste" means a material generated from industrial, commercial, mining, or agricultural operations or from community activities that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded or discharged.
- 11) The term "Waste Management Operations and/or Recovery Operations" includes:
 - (i) Operations that receive material from off-site and are regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under either 40 C.F.R. Part 264 or Part 265.
 - (ii) Operations that treat wastewater from off-site and the operation is exempted from

regulation as a hazardous waste treatment, storage, and disposal facility under 40 C.F.R. §264.1(g)(6) or 40 C.F.R. §265.1(c)(10).

- (iii) Operations that treat wastewater from off-site and are subject to regulation under either section 402 or 307(b) of the Clean Water Act but are not owned by a “state” or “municipality” as defined by section 502(3) and 502(4), respectively, of the Clean Water Act, and treatment of wastewater received from off-site is the predominant activity performed at the plant site.
- (iv) Operations that recycle or reprocess hazardous waste from off-site and the operations are exempted from regulation as a hazardous waste treatment, disposal, and storage facility under 40 C.F.R. §264.1(g)(2) or 40 C.F.R. §265.1(c)(6).
- (v) Operations that recycle or reprocess Used Solvent from off-site and the operations are not part of a chemical, petroleum, or other manufacturing process that is required to use air emission controls by another subpart of 40 C.F.R. Part 63 or 40 C.F.R. Part 61.
- (vi) Operations that re-refine or reprocess Used Oil from off-site and the operations are regulated under 40 C.F.R. Part 279, subpart F-Standards for Used Oil Processors and Refiners.

12) The terms "you" or "your," as used above and in each Information Request set forth in Enclosure 2 of this Information Request, refer to, and shall mean, Veolia North America, including its subsidiaries, divisions, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

ENCLOSURE 2

INFORMATION REQUEST

You are hereby required, in accordance with Section 114(a) of the CAA, 42 U.S.C. § 7414(a), to provide a separate numbered response to each numbered paragraph or subparagraph below. If Veolia North America does not have requested information or Documents for any Information Request, please clearly state this in your response.

1. Provide a list of all Facilities, in electronic spreadsheet format (such as Microsoft Excel), including unique Facility identifiers such as names or identification numbers, and physical locations/addresses, for Facilities that receive or have received Waste, Used Oil, or Used Solvent containing one or more hazardous air pollutants ("HAP") listed in Table 1 of 40 C.F.R. Part 63, subpart DD. The list of Facilities shall include minor sources and synthetic minor sources, and other non-major Facilities that may not be subject to any emissions limitations, operating limits or work practice standards of 40 C.F.R. Part 63, subpart DD, and shall identify:
 - a. Each Facility that conducts or is authorized to conduct one or more Waste Management Operations and/or Recovery Operations, including the type(s) of Waste Management Operations and/or Recovery Operations that are conducted and/or authorized;
 - b. Each Facility that is subject to any of the emissions limitations, operating limits or work practice standards of 40 C.F.R. Part 63, subpart DD; and,
 - c. Each Facility that is subject to any of the emissions limitations, operating limits or work practice standards of 40 C.F.R. Part 63, subpart EEEE.
 - d. Each Facility that is subject to any of the emissions limitations, operating limits or work practice standards of 40 C.F.R. Part 61, subpart FF.
 - e. Each Facility that is subject to any of the emissions limitations, operating limits or work practice standards of 40 C.F.R. Part 63, subpart G.
2. Provide a Facility diagram and a detailed description of each Waste Management Operation and/or Recovery Operation that is operating or otherwise authorized at each Facility listed and identified in response to Information Request 1.a. The Facility diagram and description shall include:
 - a. Locations where Waste, Used Oil, and/or Used Solvent are received and/or stored, how the material is stored (e.g., containers, drums, dumpsters, roll-off boxes, totes, bulk cargo containers, cargo tank trucks, rail cars, tanks, surface impoundments, etc.), and the number and storage capacity (in gallons) for each different type of storage identified;
 - b. Locations of each Waste Management Operation and/or Recovery Operation, including the capacity (in gallons) of each process unit, tank, vessel, surface impoundment, oil-water separator, organic-water separator, distillation process, fractionation process, thin film evaporation process, solvent extraction process, steam stripping process, and gas stripping process;
 - c. Locations of any air pollution control equipment ("APCE") and unique APCE identifiers such as the name or identification number for each separate control device;

- d. Location of any transfer equipment used to move materials (e.g., pumping drums to tanks, or tanks to bulk cargo containers, cargo tank trucks, rail cars, etc.); and,
 - e. Locations where processed materials and/or “products” are stored, including the storage capacity (in gallons) of each tank, container, vessel or impoundment.
- 3. Provide copies of all notices of compliance statuses submitted under 40 C.F.R. Part 61 or 40 C.F.R. Part 63, if any, for each Facility listed and identified in response to Information Request 1.a. Each notice of compliance status shall include the unique Facility identifier such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1.
- 4. Provide copies of all current air related, water treatment, discharge and/or Resource Conservation and Recovery Act (“RCRA”) permits for each Facility listed and identified in response to Information Request 1.a., including authority to construct (“ATC”) permits, air permits to operate (“PTO”), Title V permits, minor source permits, synthetic minor permits, or any similar permits issued. Each permit shall include the unique Facility identifier such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1.
- 5. Provide a description of APCE currently in operation or authorized for each Facility listed and identified in response to Information Request 1.a., and provide the following information for each separate control device:
 - a. The unique Facility identifier where the APCE is located such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1;
 - b. The unique APCE identifier such as a name or identification number, consistent with the APCE identifiers provided in response to Information Request 2.c.;
 - c. A description of the APCE including, but not limited to, type(s) of control device(s), vendor manuals and/or other Documents that provide the vendor name, size, operating specifications and/or control efficiencies for different pollutants;
 - d. A list of the processes and/or equipment that the APCE receives material from;
 - e. The pollutant(s) the APCE controls;
 - f. The vendor guarantee, or other Documents that indicate the control efficiency of the device, for each pollutant it affects; and,
 - g. A description of any pollutant monitoring systems (e.g., continuous emissions monitoring systems) for the device.
- 6. Provide a list of the dates of all complete or partial air emissions testing for volatile organic compounds (“VOC”) and/or HAP at the Facilities listed and identified in response to Information Request 1.a. For each listed test identify which Facility the test occurred at using the unique Facility identifier such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1, and the unique APCE identifier such as the name or identification number, consistent with the APCE identifiers provided in response to Information Request 2.c. (if the test involved an evaluation of any APCE). Emissions testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. For each emissions test,

provide a copy of the summary pages from each report, including but not limited to the measured parameters, emission rates and the operating parameters such as throughput rates for the various process unit operations, recorded during the test.

7. For each Facility listed and identified in response to Information Request 1.a., provide a Facility-wide potential to emit (“PTE”) analysis, in electronic spreadsheet format (such as Microsoft Excel) that calculates the PTE on an annual basis for HAP and VOC emissions in tons, cumulative total and for each individually listed HAP. Each Facility-wide PTE analysis shall identify the Facility using the unique Facility identifier such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1, include fugitive HAP emissions from equipment leaks and surface impoundments, consider and identify Facility equipment limitations (such as maximum throughputs) and federally enforceable emissions limitations, and include the basis for any assumptions (such as the HAP and VOC content of the waste), and a detailed explanation of calculations.
8. For each Facility listed and identified in response to Information Request 1.a., provide Facility-wide air emissions data, in electronic spreadsheet format (such as Microsoft Excel), including actual annual HAP and VOC emissions in tons per year, for calendar years 2011, 2012, 2013, 2014 and 2015, cumulative total and for each individually listed HAP. Include the unique Facility identifier such as the name or identification number, consistent with the Facility identifiers provided in response to Information Request 1, throughput data, HAP and VOC content data, estimates of fugitive HAP emissions from equipment leaks and surface impoundments, the basis for any assumptions, and a detailed explanation of calculations.

EPA - Headquarters
1200 Pennsylvania Avenue, NW
Washington, DC 20460

VEOLIA NORTH AMERICA

Respondent

STATEMENT OF CERTIFICATION

I, _____, being first duly sworn, hereby certify that the enclosed response to the Information Request in the above-captioned matter is true, accurate, and complete. I certify that the portions of this response which I did not personally prepare were prepared by persons acting on behalf of the Respondent, under my supervision and at my instruction, and that the information provided is true, accurate, and complete. I make this certification both on my own behalf, and on behalf of the Respondent, as its authorized representative.

Dated: _____

Signature: _____

Printed Name: _____

Title: _____

SUBSCRIBED and SWORN to this _____ day of _____, 2016.

NOTARY PUBLIC in and for the State

Of _____

Residing at _____

My Commission expires _____

Enclosure 4

Confidential Business Information Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret” or “proprietary” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to the EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, the EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information. If you receive such a letter, the EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. §2.204(e):

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, until a certain date, until the

occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Please also note that broad, non-specific CBI claims will likely result in an immediate request from EPA for substantiation.